

FIRST REGULAR SESSION

# HOUSE BILL NO. 268

## 91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LEGAN,  
KELLY (27) (Co-sponsors) AND RIBACK WILSON (25).

Read 1<sup>st</sup> time January 4, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0764L.011

### AN ACT

To repeal sections 407.929 and 407.931, RSMo 2000, relating to the enforcement of age restrictions on the sale of tobacco products, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 407.929 and 407.931, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 407.929 and 407.931, to read as follows:

407.929. 1. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if [an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen] **the prospective purchaser or recipient is under the age of twenty-five years. The owner or operator of any establishment violating this subsection shall be guilty of a class B misdemeanor, but agents or employees shall not be personally liable for violation of this subsection.**

2. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of subsections 2 and 3 of section 407.931. No person shall be liable for more than one violation of subsections 2 and 3 of section 407.931 on any single day.

407.931. 1. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen years of age.

2. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This subsection shall not apply to the distribution by family members on

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5 property that is not open to the public.

6 3. Any person who violates subsection 1 or 2 of this section or section 407.927 shall be  
7 fined:

8 (1) For the first offense, twenty-five dollars;

9 (2) For the second offense, one hundred dollars;

10 (3) For a third and subsequent offense, two hundred fifty dollars.

11 4. If a sale is made by an employee of the owner of an establishment in violation of  
12 sections 407.925 to 407.932, the employee shall be guilty of an offense established in  
13 subsections 2 and 3 of this section, **but not of an offense established by section 407.929**. If  
14 a vending machine is in violation of section 407.927, the owner of the establishment shall be  
15 guilty of an offense established in subsections 2 and 3 of this section. If a sample is distributed  
16 by an employee of a company conducting the sampling, such employee shall be guilty of an  
17 offense established in subsections 2 and 3 of this section.